

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-4325

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JERMAINE OTTIS BENNETT,

Defendant - Appellant.

Appeal from the United States District Court for the Middle
District of North Carolina, at Durham. William L. Osteen, Jr.,
District Judge. (1:00-cr-00319-WO-1)

Submitted: August 21, 2008

Decided: August 25, 2008

Before WILLIAMS, Chief Judge, and KING and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

James B. Craven, III, Durham, North Carolina, for Appellant.
Angela Hewlett Miller, Assistant United States Attorney,
Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jermaine Ottis Bennett appeals the district court's order revoking his supervised release and sentencing him to twenty months' imprisonment followed by a sixteen-month term of supervised release. On appeal, his attorney has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that there are no meritorious issues for review but questioning the reasonableness of the sentence imposed. Bennett was advised of his right to file a pro se supplemental brief, but has not done so. After a thorough review of the record, we affirm.

We will affirm a sentence imposed following revocation of supervised release if it is within the applicable statutory limits and not plainly unreasonable. United States v. Crudup, 461 F.3d 433, 437, 439-40 (4th Cir. 2006), cert. denied, 127 S. Ct. 1813 (2007); see also United States v. Finley, 531 F.3d 288, 294 (4th Cir. 2008). Bennett's sentence is below the statutorily authorized maximum sentence of two years, see 18 U.S.C. § 3583(e)(3) (2000), and falls below the advisory guideline range of twenty-four to thirty months' imprisonment. See U.S. Sentencing Guidelines Manual §§ 7B1.4(a)(p.s.), 7B1.4(b)(3)(A) (2007). Finally, the district court adequately considered the applicable 18 U.S.C.A. § 3553(a) (West 2000 & Supp. 2008) factors when imposing sentence. See 18 U.S.C. § 3583(e). We conclude that the sentence is not plainly unreasonable.

In accordance with Anders, we have reviewed the entire record for meritorious issues and have found none. Accordingly, we affirm the revocation of Bennett's supervised release and his sentence. This court requires counsel to inform Bennett in writing of his right to petition the Supreme Court of the United States for further review. Accordingly, we also deny counsel's motion to withdraw as counsel. If Bennett requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may renew his motion for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Bennett. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED